

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL RIVERA,
Plaintiff,

v.

CARMEN SCINICO, et al.,
Defendants.

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CIVIL ACTION NO. 20-CV-416

ORDER

AND NOW, this **19th** day of **August, 2021**, upon consideration of Michael A. Rivera's Amended Complaint (ECF No. 23), it is **ORDERED** that:

1. Rivera's Amended Complaint is **DISMISSED IN PART WITH PREJUDICE** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons stated in the Court's Memorandum, and the balance of the claims are **STAYED** as follows:

a. All official capacity claims, the state law malicious prosecution claim against Walmart Stores, and all claims based on excessive force, slander, defamation, and invasion of privacy against all Defendants are **DISMISSED WITH PREJUDICE**.

b. The constitutional claims for malicious prosecution and unreasonable search against Defendants Scinico and Conklin are **STAYED** until Rivera informs the Court that his related criminal case, *Commonwealth v. Rivera*, CP-15-CR-3890-2018 (C.P. Chester), has been resolved, including any available appellate proceedings.

2. The Clerk of Court is **DIRECTED** to terminate Walmart Stores and PSP Avondale Department Officers Doe as Defendants.

3. The Clerk of Court is **DIRECTED** to place this case in **SUSPENSE**.

BY THE COURT:

/s/ Eduardo C. Robreno

EDUARDO C. ROBRENO, J.